

## REMARKS

In the Official Action mailed on **15 November 2006**, the Examiner reviewed claims 1-26. Claim 17 was rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claim 17 was rejected under 35 U.S.C. §112, for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 1-4 were rejected under 35 U.S.C. §102(b) as being anticipated by Tang et al (USPub 2002/0075012, hereinafter “Tang”). Claims 5 and 6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tang, in view of Davis et al (USPN 6,505,222, hereinafter “Davis”). Claims 7-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tang and Davis, and further in view of Little (USPub 2003/0081697, hereinafter “Little”). Claims 17-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tang, Davis, and Little, and further in view of Ma et al (USPub 2002/0094024, hereinafter “Ma”).

### Rejections under 35 U.S.C. §112, first and second paragraphs

Claim 17 was rejected under 35 U.S.C. §112, first and second paragraphs.

Applicant has amended claim 17 to change “phase slicer” to “data slicer” to provide the correct terminology. This amendment finds support in page 8, line 7 to page 9, line 4 of the instant application. No new matter has been added.

### Rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a)

Claim 1 was rejected as being anticipated by Tang. Claim 5 was rejected as being unpatentable over Tang, in view of Davis. Claims 17-26 were rejected as being unpatentable over Tang, Davis, Little, and Ma. Applicant respectfully points out that Ma teaches a **differential phase detector** (see Ma, paragraph 7, lines 1-5 and 22-25).

In contrast, the present invention provides **margining circuitry** to determine the value of an error signal of a **level sampling point** (see page 23, line 11 to page 25, line 23 of the instant application). This is beneficial because it provides a technique for adapting the first slicer level based upon a number of differences between the samples of the first slicer level and the edges of the receiver “eye.” There is nothing within Tang, Davis, Little, or Ma, either separately or in concert, which suggests providing margining circuitry to determine the value of an error signal of a level sampling point.

Accordingly, Applicant has amended independent claims 1, 5, and 19 and dependent claim 17 to clarify that the present invention provides margining circuitry to determine the value of an error signal of a level sampling point. These amendments find support on page 23, line 11 to page 25, line 23 of the instant application.

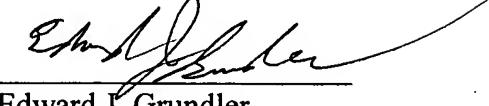
Hence, Applicant respectfully submits that independent claims 1, 5, and 19 as presently amended are in condition for allowance. Applicant also submits that claims 2-4, which depend upon claim 1, claims 6-18, which depend upon claim 5, and claims 20-26, which depend upon claim 19, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

**CONCLUSION**

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

By

  
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